

RESOLUTION NO. 37-2001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SETTING THE IMPLEMENTATION DATE FOR THE VOLUME BASED SEWER FEES AS JANUARY 1, 2002, AND CLASSIFYING THE FEES IMPOSED BY RESOLUTION 29-2001 AS NOT SUBJECT TO ARTICLE XI, SECTION 11(B) OF THE OREGON CONSTITUTION.

WHEREAS, Milwaukie Municipal Code Section 13.12.070 provides that sewer service fees shall be established by resolution of the City Council; and

WHEREAS, the City Council established these charges by adopting Resolution 29-2001 on September 4, 2001; and

WHEREAS, the fee increase is not an alternative source of funding to make up for ad valorem property tax reductions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie that the Milwaukie City Council establishes the following revisions to the volume based sewer charges:

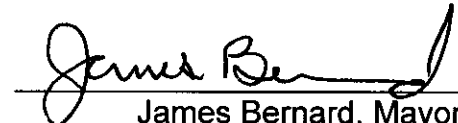
Section 1: The City Council recognizes the time necessary for the system changes and adopts an implementation date for the volume based sanitary sewer rate of January 1, 2002.

Section 2: The City Council approves the following selected alternatives for the special cases identified in the application of the new rate structure.


- A. For Customers with no water useage data (new accounts/changes in account/ no data). Option 2, Charge customers a minimum lifeline usage of four hundred cubic feet for a bimonthly period.
- B. Customers currently with no charges during non-residing months. Fairly distributing the fixed sewer system charges to all customers for each month. Since this cost for system maintenance, repair and replacement no matter what the usage is, it will be used as a minimum billing.
- C. For implementation and maintenance of the new system, create an additional half time position in the Financial Department. Funding for this was included in the new rate structure.

Section 3: Classification. The City Council determines that the fees imposed by Resolution 29-2001 are not taxes subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

Introduced and adopted by the City Council of Milwaukie on October 2, 2001.


James Bernard, Mayor

ATTEST:


Pat DuVal, City Recorder

APPROVED AS TO FORM:


Amy Finestone
Ramis, Crew, Corrigan & Bachrach, LLP